

S/N 09/836,310

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Robert Veilleux et al.	Examiner:	Unknown
Serial No.:	09/836,310	Group Art Unit:	3635
Filed:	April 17, 2001	Docket:	186.011US1
Title:	A STRUCTURAL WOODEN JOIST		

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A Notice of Abandonment dated January 13, 2006 (copy enclosed) for the above-identified patent application was received by our office on January 18, 2006. The Notice alleges that Applicants failed to timely file a proper reply to the Notice of Non-Compliance mailed on June 24, 2005.

Applicants respectfully disagree. The Notice of Non-Compliant Amendment states that the "clean version of the amended specification is missing." Applicants are **not required** to provide a clean copy of an amended paragraph of a specification.

In a telephone conversation with Examiner Nguyen on July 25, 2005, it was agreed that the Notice of Non-Compliant was mailed in error. To confirm our phone conversation, Examiner Nguyen sent a communication to Applicants stating "This communication is informed that the Non-Compliant Notice was mailed on 6/24/2005 was a mistake. And the case is now ready for examination." (copy enclosed).

On July 25, 2005, Applicants faxed to Examiner Nguyen a "Response to Notice of Non-Compliant Amendment", (copy enclosed).

Therefore, Applicants have timely filed the response and respectfully requests reconsideration of the holding of abandonment.

It is believed that there is no action or omission by Applicants to support a holding that the above-identified application was or is abandoned. Accordingly, it is respectfully requested that the abandonment holding be withdrawn and prosecution resumed as soon as possible.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

Serial Number: 09/836,310

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Page 2

Dkt: 186.011US1

CONCLUSION

It is Applicants' understanding that no fee is required for a petition to withdraw a holding of abandonment. (See MPEP 711.03(c)), and therefore no fee is enclosed. However, if a fee is required, please charge it to Deposit Account No. 19-0743.

The Examiner is invited to telephone Applicants' attorney at (612) 349-9587 to facilitate prosecution of this application.

Respectfully submitted,

ROBERT VEILLEUX ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

Minneapolis, MN 55402

(612) 349-9587

Date

13 March '06

By


Timothy B. Elise

Reg. No. 40,957

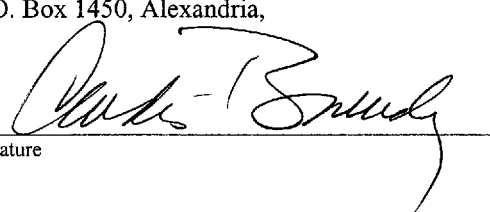
Date of Deposit: March 13, 2006

This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

CANDIS BUENDING

Name

Signature





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,310	04/17/2001	Robert Veilleux	186.011US1	6908

7590 01/13/2006
SCHWEGMAN, LUNDBERG & WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 01/13/2006

03/13/06
REVIVAL
COMPLETED

Please find below and/or attached an Office communication concerning this application or proceeding.

ABAM UNINTENTIONAL

PORTFOLIO IP
JAN 18 2006
RECEIVED

Schwegman, Lundberg,
Woessner & Kluth, P.A.
JAN 18 2006
RECEIVED

Notice of Abandonment	Application No.	Applicant(s)	
	09/836,310	VEILLEUX ET AL.	
	Examiner	Art Unit	
	Chi Q. Nguyen	3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 June 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

No paper had been filed since the Notice of Non-Compliance was mailed on 6/24/2005.

OPAL
1/9/2006
Chi Q. Nguyen

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3435
CONNECTION TEL	815712736847
SUB-ADDRESS	
CONNECTION ID	
ST. TIME	07/25 13:14
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PGS.	3
RESULT	OK

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH
PATENT, TRADEMARK & COPYRIGHT ATTORNEYS
P.O. Box 2938
Minneapolis, MN 55402
Telephone (612) 373-6900 Facsimile (612) 339-3061

July 25, 2005

Time: 2:25 p.m.
(Minneapolis, Minn.)

TO: Commissioner for Patents
Attn: (None entered)
Patent Examining Corps
Facsimile Center
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Timothy B. CliseOUR REF: 186.011US1

TELEPHONE:

FAX NUMBER (571) 273-6847

* Please deliver to Examiner (None entered) in Art Unit 3635. *

Document(s) Transmitted: Response to Notice of Non-Compliant Amendment (1 pg.), Copy of Letter e-mailed to Attorney, Timothy B. Clise on July 25, 2005 (1 pg.).

Total pages of this transmission, including cover letter: 3 pgs.

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: Robert Veilleux et al.Examiner: Chi O. NguyenSerial No.: 09/836,310Group Art Unit: 3635Filed: April 17, 2001Docket No.: 186.011US1Title: A STRUCTURAL WOODEN JOIST

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

P.O. Box 2938

Minneapolis, MN 55402

Telephone (612) 373-6900

Facsimile (612) 339-3061

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Time: 2:25 p.m.
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FROM: Timothy B. Clise

OUR REF: 186.011US1

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Examiner: Chi Q. Nguyen

Serial No.: 09/836,310


Group Art Unit: 3635

Filed: April 17, 2001

Docket No.: 186.011US1

Title: A STRUCTURAL WOODEN JOIST

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: 
Name: Timothy B. Clise
Reg. No.: Reg. No. 40,957

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Patricia A. Hultman

July 25, 2005
Date of Transmission

S/N 09/836,310

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROBERT VEILLEUX ET AL.
Serial No.: 09/836,310
Filed: April 17, 2001
Title: A STRUCTURAL WOODEN JOIST

Examiner: Chi Q. Nguyen
Group Art Unit: 3635
Docket No.: 186.011US1

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This responds to the Notice of Non-Compliant Amendment mailed on June 24, 2005.

In a telephone discussion with Examiner Nguyen on July 25, 2005, the Examiner agreed that the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on June 24, 2005 was mailed in error. The Examiner emailed a copy of a letter (copy enclosed) to Applicant's attorney, Timothy B. Clise, on July 25, 2005 stating that "This communication is informed that the Non-Compliant Notice was mailed on 06/24/2005 was a mistake. And the case is now ready for examination." Accordingly, the examiner withdrew the Notice and is now ready to examine the application.


The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
ROBERT VEILLEUX ET AL.
By his Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9587

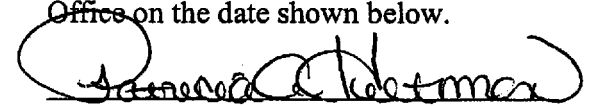
Date

25 July '05

By


Timothy B. Clise
Reg. No. 40,957

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


Patricia A. Hultman

July 25, 2005
Date of Transmission



**UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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2

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This communication is informed that the Non-Compliant Notice was mailed on 6/24/2005 was a mistake. And the case is now ready for examination.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,310	04/17/2001	Robert Veilleux	186.011US1	6908

7590

06/24/2005

SCHWEGMAN, LUNDBERG & WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402

EXAMINER

NGUYEN, CHI Q

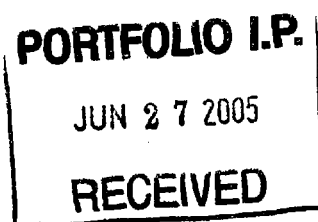
ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

09/836,310

Examiner

Chi Q. Nguyen

Applicant(s)

VEILLEUX ET AL.

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 4/29/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.
☐ B. New paragraph(s) should not be underlined.
☒ C. Other the clean version of the amended specification is missing.

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
☐ B. Other _____.

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
☐ C. Other _____.

☐ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
☐ E. Other: _____.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

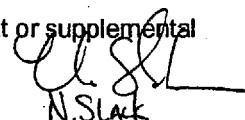
Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

can
6-15-2005


N. Slack
Primary Examiner

17



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

186.011US1

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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2

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CQN